IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Writ Petition No. 157 (SS) of 2007

Subodh Chandra Sharma,
S/o Sri Atma Ram,
R/o M. T. line, House No. Ja – 2,
31, Battalion PAC, Rudrapur,
Udham Singh Nagar. **.....Petitioner.**

Versus

1. Additional Director General of Police (Admin.) Uttarakhand, Police Headquarter, Dehradun.
2. Inspector General of Police (PAC), Uttarakhand, Dehradun.
3. Commandant, 31st Battalion, PAC Rudrapur, Udham Singh Nagar.

.....Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri K. K. Tiwari, learned counsel for the petitioner and learned Standing Counsel for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. *issue a writ, rule, order or direction in the nature of Certiorari call for records and quash the order No. D.G. – 7 – 98 - 2006 (9) dated 15.02.2007 passed by respondent no. 1 and the consequential order dated 23.02.2007 (Annexure 2) passed by respondent no. 3.*
2. *issue a writ, rule, order or direction in the nature of Certiorari call for records and quash the order No. CA – IG- PAC –21/2007 dated 20.02.2007 passed by*

respondent no. 2 and the consequential order dated 28.02.2007 (Annexure 3) passed by respondent no. 3.

3. *Issue a writ order or direction in the nature of Mandamus commanding the respondents not to interfere with the peaceful functioning of the petitioner as Constable Armourer and not to harass the petitioner in any manner whatsoever.*
4. *issue any other order or direction, which this Hon'ble court may deem fit and proper in the circumstances of the case.*
5. *award the cost of the petition in favour of the petitioner.*

The stand of the petitioner is that petitioner was recruited as Constable Armed Police with effect from 10.04.1991. Vide order dated 23.01.2006, after allocation to State of Uttarakhand, he was posted as Constable Armourer, at Central Armed Depot, 31 Battalion, PAC, Rudrapur. Vide order dated 23.02.2007 passed by Commandant, 31 Battalion, PAC, Rudrapur petitioner was transferred from the post of Constable Armourer to Constable PAC. Again vide order dated 28.02.2007 passed by Commandant, 31 Battalion, PAC, Rudrapur petitioner has been transferred from 31, Battalion PAC, Udham Singh Nagar to 46, Battalion, PAC, Udham Singh Nagar.

Petitioner has challenged the impugned order on the ground that the cadre of Constable Armourer is separate cadre and consequently, petitioner cannot be transferred from the post of Constable Armourer to Constable PAC.

During the course of argument, learned counsel for the petitioner has confined his prayer that writ petition may be disposed of with a direction to the petitioner to make representation before respondent no. 1 raising all his grievance and respondent no. 1 be directed to decide the same within stipulated time.

The prayer is innocuous. Accordingly, petitioner is directed to make representation before respondent no. 1 i.e. Additional Director General of Police (Admin.) Uttarakhand, Police Headquarter, Dehradun raising all his grievances within a period of two weeks from today and it is expected from respondent no. 1 that he shall take decision on the representation of the petitioner within a period of four weeks from the date of receipt of representation so made.

With this direction, writ petition as well as stay application no. nil of 2007 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

March 13, 2007
Sksharma